

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 9, 1990

ALL COUNTY INFORMATION NOTICE NO. I-78 -90

TO: ALL COUNTY WELFARE DIRECTORS
ALL PRESIDING JUVENILE COURT JUDGES
ALL COUNTY PROBATION OFFICES
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL DSS ADOPTION DISTRICT OFFICES

SUBJECT: Interstate Independent and Agency Adoption Programs

REFERENCES: California Civil Code Sections 264-274
California Civil Code Sections 221-226.11
Title 22 California Code of Regulations Sections 30583, 30858,
35035, 35171, and 35173

This All County Information Notice contains information regarding interstate independent and agency adoptions and documents necessary for an Interstate Compact on Placement of Children (ICPC) placement request.

The Interstate Placement Bureau (IPB) recently met with the Academy of California Adoption Lawyers (ACAL) and the California Adoption Agency Association (CAAA). This ACIN will clarify interstate placement procedures regarding proposed adoptive placements.

All interstate placement requests for children for the purposes of adoption require the following documents and supporting materials:

INDEPENDENT ADOPTION REFERRALS FROM A CALIFORNIA BIRTH PARENT

1. Five copies [one original and four copies] of a fully-completed, all the necessary information provided accurately, and signed ICPC 100A (4/85 version);
2. Three copies of a family history of the birth parents;
3. Three copies of a signed statement stating that the signer is the legal parent [or will be in the case of an unborn child] and expressing the intention to place the child with the prospective adoptive parents; the names and addresses of the adoptive parents must be included in the statement - please note that the previously required notarization of the birth parent's statement is no longer required;

4. Three copies of a statement affirming that the placement was made on the birth parent's personal knowledge of the prospective adoptive parents, including for each the name, address, age, religion, race or ethnicity, employment, anyone else residing with them [adults and children] and any health problems limiting daily activities or reducing life span;
5. Three copies of a statement indicating how the financial and medical needs of the child will be met while in the preadoptive placement;
6. Three copies of a written authorization, signed by a legal parent, for the prospective adoptive parents to secure medical treatment for the child pending adoption; and
7. Medical information regarding the child, if already born.

NEVADA REQUIREMENTS ON ADOPTIVE HOME STUDY REGARDING INDEPENDENT ADOPTIONS

Many children born in Nevada are proposed for adoptive placement into California. Nevada recently changed its laws relating to the preplacement home studies for the purposes of independent adoption. In order to make the proposed placement go as smoothly as possible, we wish to remind you that effective January 15, 1990, the State of Nevada requires the following items in addition to the areas covered by the California preplacement report:

1. Report on three personal (not business) references/recommendations from individuals who know the family and who are not related to the applicants;
2. Report on criminal background check of the applicants conducted within the past four years, either by FBI fingerprint or local law enforcement check, or both;
3. A statement from a physician regarding the applicants' health; and
4. A statement of the individual or licensed child-placing agency conducting the home study assessing the prospective adoptive parents' mental stability and preparedness for adoption.

DSS Adoptions Branch District Offices or the delegated county agencies processing independent adoptions should conduct ICPC independent preplacement studies in their usual manner. The State of Nevada will not release a child from that state absent an approved ICPC 100A, a preplacement assessment recommending approval, and these requirements. The attorneys of record for the prospective adoptive parents or the prospective adoptive parents themselves are responsible to comply with the Nevada requirements as these are not mandated by this Department. A completed current Independent Adoption Preplacement Program home study (see 22 CCR 35127.2) or an agency adoption home study (see 22 CCR 35183 et. seq.) may be used by the family to meet the California requirements and most of the Nevada requirements. Requirements for agency adoptions remain unchanged. Questions regarding the State of Nevada's requirements should be referred to Ms. Ginnie Hough at (702) 687-4137.

NEW YORK REQUIREMENTS ON ADOPTIVE HOME STUDY REGARDING INDEPENDENT ADOPTIONS

IPB has also been informed of recently adopted new requirements for placing a child into or out of New York. Attention should be directed to items 6 and 7 of the list of documentation that is required. New York also has additional requirements where a child is born out of wedlock and is less than six months old at the time of placement. These requirements are detailed in the attachment. Questions regarding New York requirements should be directed to Mr. Kevin M. Leyden, Deputy Compact Administrator in New York State.

AGENCY OR RELINQUISHMENT ADOPTION REFERRALS FROM CALIFORNIA

1. Five copies [one original and four copies] of a fully completed, accurate and signed ICPC 100A (4/85 version);
2. An original and two copies of the AD 512, Psychosocial and Medical History, [TEMP AD 512 9/89 or later version] or an equivalent form. The AD 512, or equivalent, should contain neither the birth name of the minor nor the names of the birth parents. The AD 512, or equivalent, must contain the signatures of the child's adoption worker and the adoptive parents and must be dated;
3. Three copies of the AD 4333, Acknowledgment of Waiver, issued by the DSS Adoptions Branch, as evidence that the child is free for adoption;
4. Three copies of a statement indicating how the financial and medical needs of the child will be met while in the preadoptive placement; and
5. Three signed copies of a written authorization for the prospective adoptive parents to secure medical treatment for the child pending adoption.

TIME LIMIT ON VALIDITY OF A PREPLACEMENT STUDY

At the annual Association of Administrators of Interstate Compact on Placement of Children (AAICPC) in May of 1990, the Association supported the concept of limiting the validity of an approved preplacement study to six months. If a placement is "approved", placement "approval" into the specific placement resource is valid for a period of six months from the date of approval. An ICPC 100B, Interstate Compact Report on Child's Placement Status, should be processed when the child is placed. This procedure assists all parties to the ICPC understand the progress and status of an ICPC case.

This new provision has been implemented on a trial basis, based on the agreement among the member state administrators until a regulation is adopted. It is expected that such a regulation will be adopted at the 1991 AAICPC Annual Meeting. This provision is to ensure that a child is placed in a home which has been recently studied. The Association decided that six months is a reasonable and acceptable time limitation which can be uniformly implemented among member states. This provision is applicable only to the ICPC cases. The twelve months homestudy validity limitation is still applicable to California intrastate adoption cases.

Thank you for your continued cooperation in the interstate placement process.

Questions regarding this information notice should be addressed to the Interstate Placement Bureau at (916) 323-2923.

Sincerely,

for Robert Sutich
LOREN D. SUTER
Deputy Director
Adult and Family Services

Attachment

cc: County Welfare Directors Association
California Association of Adoption Agencies
Academy of California Adoption Lawyers

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001

CESAR A. PERALES
Commissioner



JOSEPH SEMIDEI
Deputy Commissioner
Division of Family
and Children Services

August 9, 1990

Dear Counselor:

Attached are the document requirements for placing a child into or out of New York (NY) State within the legal framework of NY Social Service Law 374-a (Interstate Compact on the Placement of Children) and related statutes for private adoptions.

As you are aware, revisions to Chapters 314 and 315 of the laws of 1989 and the recent Court of Appeals decision (Matter of Raquel Marie X, and Matter of Baby Girl S.) have had an impact on private agency and out of wedlock placements.

Should you require further assistance, please do not hesitate to contact the NY ICPC office at (518) 474-9582, 473-1591,

For technical advice concerning NY Law and its interpretation, please contact the Department's Division of Legal Affairs at (518) 474-8490.

Sincerely,


Kevin M. Leyden, Deputy Compact Administrator, ICPC

enc.

cc:

NY ICPC staff

All State's ICPC Deputy Compact Administrators

/phr

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Adoptive Placement Into and Out of New York (NY) State
Rev. September 1990

The adoptive placement of a child into or out of NY from or into another Compact member state is subject to Section 374-a of the Social Services Law (the Interstate Compact on the Placement of Children). The Office of the Compact Administrator in the State into which the child is being placed must approve such a placement prior to the child being brought into that state. Such approval is made by the Compact Administrator or his or her designee signing the Form ICPC 100-A. The Compact also applies in those cases where a parent brings the child to the adoptive parents in NY, except where such action is construed to be outside the jurisdiction of the laws of the sending state, (e.g. as interpreted by the State of Florida). It also applies in cases where the child is entering NY from a foreign country and the placing agency is located in another Compact state.

In those cases where an adoptive placement is subject to the Interstate Compact, the following documentation is required:

1. Five duly signed copies of Form ICPC 100-A, Interstate Compact Application - Request to Place Child, containing the information regarding the proposed placement.
2. A home study of the adoptive parent(s) which was completed within the last 18 months. An update may accompany an older study.
3. Background information on both biological parents including age, education, work history, health history of themselves and immediate family members and physical description.
4. Copies of any legal documents such as relinquishments or terminations of parental rights.
5. Medical report on the delivery and/or health of the child.
6. A fee disclosure statement revealing all moneys paid or to be paid or disbursed by the adoptive parent(s) pursuant to the placement and adoption.
7. In private independent adoptions, a statement of legal representation wherein it is shown that the legal counsel of the adopting parent(s) is not the same as the legal counsel of the biological parent(s).

Copies of the above-mentioned documents may be sent simultaneously to the Compact Administrator in the sending and receiving states. The NY Compact Administrator may grant approval of the placement after receipt and review of the documentation and after confirming that no laws of the sending state have been violated. In cases where children are being placed for adoption into NY, but the plan is to finalize the adoption in the sending state, an approved agency in NY must supervise the adoptive placement prior to finalization. The name of this supervising agency must be entered on the Form ICPC 100-A.

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An approved agency means either an authorized agency as defined by Social Service Law Section 371.10 or an approved foreign corporation in accordance with Not For Profit Corporation Law Article 13.

The States of Connecticut, Florida, Minnesota and Wisconsin require that birth parents placing their children for adoption must place the child with an adoption agency (public or private) that is licensed by that state.

Effective 01/01/90, any adoption agency located outside of NY State wishing to place a child with NY residents and charging a fee to the NY residents in connection with that placement, must be an approved agency, as defined above, in NY State (Chapter 314 and 315 of NY State Laws of 1989). Should the out of state placing agency waive any and all fees in connection with the proposed placement the placement request will be processed by the NY ICPC Office. Otherwise the NY ICPC office cannot approve an ICPC request where fees are paid by New York residents to an out of state agency that is not authorized to perform adoption services by the NY State Department of Social Services.

As customary, a placement into NY will not be approved when the sending state will not sign the placement request (Form ICPC 100 A).

NEW YORK REQUIREMENTS WHERE CHILD BORN IS OUT OF WEDLOCK AND
IS LESS THAN SIX MONTHS OLD AT THE TIME OF PLACEMENT

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(In accordance with 7/10/90 NY Court of Appeals
Matter of Raquel Marie X and Matter of Baby Girl S.)

In cases where the child to be placed into or out of New York is born out of wedlock and would be under the age of six months at the time of the adoptive placement, the applicant must submit a properly executed affidavit from the natural mother stating that:

1. the child is less than six months of age;
2. the biological father has not taken steps to establish legal responsibility for the child;
3. the biological father has not made payment of pregnancy and birth expenses;
4. the biological father has not publicly acknowledged paternity;
5. the biological father has taken no other steps to evince a commitment to the child.

Where the biological father has done one or more of items 2, 3, 4, or 5 above, submit proof that either: (a) the biological father has consented to the adoptive placement (judicial or extrajudicial consents), (b) the biological father's parental rights have been judicially terminated, or (c) the biological father's executed waiver of any paternal rights; or submit a properly executed affidavit from the adoptive parents acknowledging the legal risk of the adoptive placement due to the lack of the biological father's consent.

REFERENCING FORM 100-A

NAME OF AGENCY OR PERSON RESPONSIBLE FOR PLANNING FOR CHILD - Private independent adoptions use this area to write in the name of the biological mother (or the person authorized by a properly executed power of attorney) or legally appointed guardian and related information.

NAME OF AGENCY OR PERSON FINANCIALLY RESPONSIBLE FOR THE CHILD - Private independent adoptions use this area to write in the name of the biological mother (or the person authorized by a properly executed power of attorney) or legally appointed guardian, and related information.

NAME OF PERSON(S) OR FACILITY CHILD IS TO BE PLACED WITH - Private independent adoptions use this area to reference the adoptive parents and related information.

LEGAL STATUS - Check off the appropriate legal status of the child. In most cases, check "Parental rights have terminated Right to be placed for adoption".

NAME OF SUPERVISING AGENCY IN RECEIVING STATE - Write in the name of the Court, and its address, if the child is placed into NY and the petition is to be filed here. It is understood that the court will be the responsible agency for post placement supervision. If the child is placed into NY, but the adoption is to be finalized in another state, an agency approved to perform adoption services by the NYS/DSS must be listed as the "Supervising Agency" for post-placement supervision.

SIGNATURE OF SENDING PERSON - Biological mother or legally appointed Guardian or Attorney with Power of Attorney, must sign as sending person.

The pre placement home study for NY residents may be done by either an agency approved to perform adoption services by the NYS/DSS, or by an independent contractor who is certified as a Social Worker by the NYS Department of Education. The documents must include a copy of the CSW certificate as the last page of the pre placement study.

Independent contractor social workers (CSW) cannot perform post placement supervision in New York State.

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243 - 0001

CESAR A. PERALES
Commissioner



July 12, 1990

Dear Counselors:

The New York State ICPC office has been receiving an increasing number of requests for independent adoption verbal approvals.

I would like to point out that the New York State ICPC office receives 1,400 to 1,600 case specific pieces of correspondence per month, of which 30 to 33 percent are related to private adoptions. Each piece of correspondence must be clerically processed (logged in, file folder established, etc.) and thoroughly professionally reviewed before an approval can be given. Very often correspondence requires telephone follow-up.

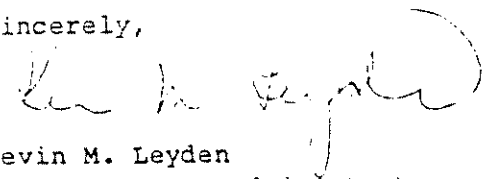
I would also like to comment that in the past, the New York State ICPC office has been very responsive to the needs of your clients, routinely expediting your requests and moving them to the front of the usual 100 or so awaiting processing. We will not do this at the expense of those children who are placed in the custody of Commissioners of Social Services and are awaiting out of state placement for foster care, adoption, or return to parents. Unfortunately, these children do not have the advocacy and resources available to a good many of your clients.

While the New York State ICPC office will continue to be as responsive as possible to your needs, I must remind you that New York State ICPC receipt of faxed or federal express documents does not entitle you or your clients to "same day" service.

In fact, I recommend that you advise your clients that obtaining New York State ICPC approval to return to New York with their adoptive child may take up to seven to ten business days following the birth of the child. Any shorter length of processing time will be an unexpected bonus.

Should you wish to discuss this matter further, please submit your comments in writing to me at the above address.

Sincerely,


Kevin M. Leyden
Deputy Compact Administrator
Interstate Compact on the Placement
of Children

cc: All State ICPC offices